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TWENTY-SECOND LEGISLATIVE DAY
MONDAY, JANUARY 27, 2014

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Buckner-Webb and Winder, absent and formally excused by the Chair; and Senator Cameron, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Anna Pietz, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 24, 2014, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SJR 103 **BY STATE AFFAIRS COMMITTEE** A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE XIV, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO PERSONS SUBJECT TO MILITARY DUTY; TO PROVIDE THAT ALL ABLE-BODIED PERSONS, RESIDENTS OF THIS STATE, AGES EIGHTEEN YEARS OR OLDER BE SUBJECT TO MILITARY DUTY; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

[SJR 103](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 27, 2014

The JUDICIARY AND RULES Committee reports that [S 1242](#), [S 1243](#), [S 1244](#), and [S 1245](#) have been correctly printed.

LODGE, Chairman

[S 1242](#), [S 1243](#), and [S 1244](#) were referred to the Commerce and Human Resources Committee.

[S 1245](#) was referred to the Finance Committee.

Senator Cameron was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 23, 2014

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that William W. Deal of Nampa, Idaho, was reappointed as a member of the Public Employee Retirement System of Idaho to serve a term commencing July 1, 2013, and expiring July 1, 2018.

This reappointment was made subject to confirmation by the Senate. Notice of reappointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Commerce and Human Resources Committee.

January 23, 2014

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Janet Penfold of Driggs, Idaho, was reappointed as a member of the State Board of Health and Welfare to serve a term commencing May 15, 2013, and expiring January 1, 2017.

This reappointment was made subject to confirmation by the Senate. Notice of reappointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Health and Welfare Committee.

January 24, 2014

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Megan Ronk of Meridian, Idaho, was reappointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2013, and expiring July 1, 2016.

This reappointment was made subject to confirmation by the Senate. Notice of reappointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the State Affairs Committee.

January 24, 2014

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Brian Scigliano of Boise, Idaho, was reappointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2013, and expiring July 1, 2016.

This reappointment was made subject to confirmation by the Senate. Notice of reappointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the State Affairs Committee.

January 24, 2014

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Estella O. Zamora of Caldwell, Idaho, was reappointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2013, and expiring July 1, 2016.

This reappointment was made subject to confirmation by the Senate. Notice of reappointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that [SJM 103](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Heider, seconded by Senator Davis, [SJM 103](#) was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1246

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO ESTATES; AMENDING SECTION 15-3-101, IDAHO CODE, TO REMOVE A REFERENCE TO FAMILY ALLOWANCE; AMENDING SECTION 15-3-1006, IDAHO CODE, TO REVISE TIME LIMITATION PROVISIONS RELATING TO CREDITOR CLAIMS AGAINST DISTRIBUTEES; AMENDING SECTION 15-3-1203 IDAHO CODE, TO REMOVE REFERENCES TO FAMILY ALLOWANCE AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 15-3-1204, IDAHO CODE, TO REMOVE REFERENCES TO FAMILY ALLOWANCE AND TO MAKE TECHNICAL CORRECTIONS.

S 1247

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO GUARDIANS; AMENDING SECTION 15-5-210, IDAHO CODE, TO PROVIDE THAT A GUARDIAN'S AUTHORITY AND RESPONSIBILITY ENDS UPON THE TERMINATION OF THE GUARDIANSHIP, TO PROVIDE THAT RESIGNATION OF A GUARDIAN WITHOUT THE APPOINTMENT OF A SUCCESSOR GUARDIAN DOES NOT TERMINATE THE GUARDIANSHIP UNTIL APPROVED BY A COURT AND TO PROVIDE THAT A GUARDIANSHIP MAY BE TERMINATED UPON PETITION BY AN INTERESTED PERSON IF IN THE BEST INTERESTS OF THE MINOR; AND AMENDING SECTION 15-5-212, IDAHO CODE, TO PROVIDE FOR MODIFICATION AND TERMINATION PROCEEDINGS AND TO MAKE A TECHNICAL CORRECTION.

S 1248

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO TESTAMENTARY APPOINTMENTS OF GUARDIANS OF MINORS; AMENDING SECTION 15-5-202, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISTRIBUTION OF WRITTEN NOTICE OF ACCEPTANCE OF TESTAMENTARY APPOINTMENT OF GUARDIANSHIP OF A MINOR, TO PROVIDE FOR THE APPOINTMENT OF ALTERNATIVE GUARDIANS, TO

SPECIFY CONDITIONS UNDER WHICH AN ALTERNATE GUARDIAN BECOMES THE APPOINTED GUARDIAN AND TO PROVIDE FOR WRITTEN NOTICE OF ACCEPTANCE; AND AMENDING SECTION 15-5-203, IDAHO CODE, TO PROVIDE THAT IN THE EVENT A MINOR OBJECTS TO A TESTAMENTARY APPOINTMENT THE ALTERNATE GUARDIAN NEXT IN PRIORITY NAMED IN THE WILL MAY ACCEPT THE APPOINTMENT, TO PROVIDE THAT THE MINOR SHALL HAVE THE SAME RIGHT OF OBJECTION AND TO MAKE A TECHNICAL CORRECTION.

S 1249

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO PROBATE; AMENDING SECTION 15-3-108, IDAHO CODE, TO PROVIDE THAT CERTAIN TIME LIMITATIONS FOR COMMENCEMENT OF PROCEEDINGS AND SPECIFIED LIMITATIONS SHALL NOT APPLY TO THE COLLECTION OF PERSONAL PROPERTY BY AFFIDAVIT OR THE SUMMARY ADMINISTRATION OF ESTATES IN WHICH A SURVIVING SPOUSE IS THE SOLE BENEFICIARY AND TO MAKE TECHNICAL CORRECTIONS.

S 1250

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO PROTECTED PERSONS; AMENDING CHAPTER 5, TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 15-5-108, IDAHO CODE, TO PROVIDE THAT CERTAIN ORDERS AND APPOINTMENTS HAVE NO EFFECT ON TESTAMENTARY CAPACITY, TO SPECIFY CERTAIN FACTORS INDICATIVE OF TESTAMENTARY CAPACITY AND TO CLARIFY THAT SPECIFIED PROVISIONS SHALL NOT ALTER OR MODIFY ANY CLAIM, CHALLENGE OR DEFENSE REGARDING THE VALIDITY OR EFFECTIVENESS OF THE EXERCISE OF TESTAMENTARY CAPACITY; AMENDING SECTION 15-5-408, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO THE LACK OF EFFECT OF CERTAIN ORDERS ON THE CAPACITY OF PROTECTED PERSONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 15-5-427, IDAHO CODE, TO REMOVE UNNECESSARY VERBIAGE, TO PROVIDE FOR CONSIDERATION OF GENERAL POWERS OF APPOINTMENT, TO PROVIDE FOR CERTAIN LIMITATIONS OF LIABILITY AND RESPONSIBILITY FOR CONSERVATORS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 32-106, IDAHO CODE, TO REMOVE ARCHAIC VERBIAGE AND TO SPECIFY THAT CERTAIN PERSONS HAVE NO POWER TO MAKE CONTRACTS; AMENDING SECTION 32-107, IDAHO CODE, TO REVISE VERBIAGE AND TO SPECIFY THAT CONTRACTS OF CERTAIN PERSONS ARE SUBJECT TO RESCISSION; AND AMENDING SECTION 32-108, IDAHO CODE, TO REMOVE ARCHAIC VERBIAGE, TO PROVIDE FOR AN EXCEPTION RELATING TO TESTAMENTARY CAPACITY FOR CERTAIN PERSONS PROHIBITED FROM MAKING CONVEYANCES AND CONTRACTS AND TO REMOVE PROVISIONS RELATING TO CERTAIN MEDICAL CERTIFICATIONS ESTABLISHING A PRESUMPTION OF LEGAL CAPACITY.

S 1251

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE PEACE OFFICER STANDARDS AND TRAINING COUNCIL; AMENDING SECTION 19-5101, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS.

S 1252

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-301, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SECURITY FOR PAYMENT OF COMPENSATION; AND AMENDING CHAPTER 3, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-301A, IDAHO CODE, TO PROVIDE ALTERNATIVE SECURITY REQUIREMENTS FOR CERTAIN SELF-INSURED EMPLOYERS UNDER THE STATE WORKER'S COMPENSATION LAWS AND TO PROVIDE FOR RULES BY THE INDUSTRIAL COMMISSION.

S 1253

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO WINE; AMENDING SECTION 23-1331, IDAHO CODE, TO PROVIDE THAT MANUFACTURING OR BOTTLING FUNCTIONS OF A WINERY SHALL NOT BE SUBJECT TO SUSPENSION, REVOCATION OR NONRENEWAL OF A LICENSE AND TO PROVIDE AN EXCEPTION.

S 1254

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FIREARMS REGULATION; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 18-3302B, IDAHO CODE, TO PROVIDE PENALTIES FOR CARRYING CONCEALED WEAPONS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS ON A COLLEGE CAMPUS; AMENDING SECTION 18-3302J, IDAHO CODE, TO REVISE THE PREEMPTION OF FIREARMS REGULATION REGARDING COLLEGE CAMPUSES; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3309, IDAHO CODE, TO PROVIDE AUTHORITY OF GOVERNING BOARDS OF PUBLIC COLLEGES AND UNIVERSITIES REGARDING FIREARMS; AND AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-343, IDAHO CODE, TO PROVIDE CIVIL IMMUNITY OF COLLEGES AND UNIVERSITIES ALLOWING FIREARMS.

[S 1246](#), [S 1247](#), [S 1248](#), [S 1249](#), [S 1250](#), [S 1251](#), [S 1252](#), [S 1253](#), and [S 1254](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1208](#) and [S 1209](#), by Transportation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1216 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lacey arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Bock, Brackett, Cameron, Davis, Fulcher, Goedde, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Pearce, Rice, Schmidt, Siddoway, Stennett, Thayne, Tippetts, Vick, Ward-Engelking, Werk. Total - 33.

NAYS—None.

Absent and excused—Buckner-Webb, Winder. Total - 2.

Total - 35.

Whereupon the President declared **S 1216** passed, title was approved, and the bill ordered transmitted to the House.

S 1217 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Vick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Bock, Brackett, Cameron, Davis, Fulcher, Goedde, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Pearce, Rice, Schmidt, Siddoway, Stennett, Thayne, Tippetts, Vick, Ward-Engelking, Werk. Total - 33.

NAYS—None.

Absent and excused—Buckner-Webb, Winder. Total - 2.

Total - 35.

Whereupon the President declared **S 1217** passed, title was approved, and the bill ordered transmitted to the House.

S 1218 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Bock, Brackett, Cameron, Davis, Fulcher, Goedde, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Pearce, Rice, Schmidt, Siddoway, Stennett, Thayne, Tippetts, Vick, Ward-Engelking, Werk. Total - 33.

NAYS—None.

Absent and excused—Buckner-Webb, Winder. Total - 2.

Total - 35.

Whereupon the President declared **S 1218** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 12 noon until the hour of 11:30 a.m., Tuesday, January 28, 2014.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary